

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington DC 20554

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In the Matter of

Creation of a Low
Power Radio Service

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MM Docket No. 99-25

To: The Commission

Reply Comments of the Alliance for Community Media

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To: The Federal Communications Commission

**REPLY TO COMMENTS MADE BY THE NATIONAL ASSOCIATION OF
BROADCASTERS, CORPORATION FOR PUBLIC BROADCASTING AND NATIONAL
PUBLIC RADIO CONCERNING LOW POWER FM RADIO**

I. SUMMARY

The Alliance for Community Media (Alliance) is a public interest non-profit organization which represents the interests of community media centers throughout the United States. The Alliance's members represent over 5,000 cable access channels (several operating community radio stations) and often act as Internet service providers for their communities. Because our members are engaged in the practice of developing and sustaining their community's use of technology, the Alliance is uniquely situated to reply to the comments made by national communications groups such as the Corporation for Public Broadcasting (CPB), National Public Radio(NPR) and the National Association of Broadcasters (NAB). The Alliance submits these reply comments in opposition to the findings of the above groups.

The Alliance believes the CPB, NPR and NAB have overlooked or ignored the need for the Commission to continue the process of establishing Low Power FM Radio, the spatial ability of the FM to absorb LPFM stations and the continuing technical development of both receivers and digital radio. Furthermore, many of the assumptions and some of the data submitted by NAB and NPR are in error.

II. CPB, NPR AND NAB'S CONCLUSIONS FAIL TO EXPLAIN WIDE-SREAD PUBLIC SUPPORT FOR LPFM

Both CPB and NAB, in their comments, state that they are providing for the radio listening needs of the American public. While they claim their programming is diverse and represents local interests, they fail to address why the Commission has been inundated with requests from community organizations for access to the radio spectrum in extremely high

numbers. CPB, NPR and NAB claim to serve the public interest, yet the community groups requesting LPFM cite a lack of community interest radio programming. CPB and NPR assert that they provide programming that is both diverse and meets the needs of the public. They argue for maintaining the ability to transmit radio signals from larger urban areas to remote locations, and that these transmissions should be counted as "local programming." In its comments NPR states:

"Indeed, many auxiliary facilities have been established, in some cases even many miles from the full service station it retransmits, because of the distant community's need and desire for public radio service.

Similarly, a satellite-fed translator or booster, can but need not, be equated with a "non-local" service...The services these facilities provide are no less valuable because they are provided with the aid of satellite technology. Nor are they necessarily less "local" because they do not originate from a studio within the community or they extend a full service station's coverage area."

The Alliance submits that "local programming" must originate from the local community covered by the signal. This is the primary and most effective way of broadcasting local affairs and local interests. To use NPR's example, certainly the concerns of Gunnison, Colorado (a former mining town with a population of 12,000 and high unemployment) are not similar or best met or by a signal transmitted from Grand Junction, Colorado (a town roughly ten times the size with a booming economy). NPR's rationale for meeting the needs of America's local communities is flawed and as their definition of local programming is erroneous and begs the question whether NPR accurately evaluates the need for LPFM.

III. THE DEMAND FOR LPFM IS BROAD-BASED

Opposition to LPFM is coming from the present FM broadcasting infrastructure (as represented by the CPB and NAB). These entities claim to be providing comprehensive service to the American public. However, the Commission has received over 13,000 requests for information on LPFM service in 1998 and in 1999. This tremendous outpouring reflects needs which have not been met by the existing commercial and non commercial full-power stations.

Support of LPFM is from a broad base of the political and social spectrum. These groups and individuals include commercial and non-commercial interests, non-affiliated community broadcasters and twenty four different civil rights groups (Rainbow/PUSH, the National Hispanic Media Coalition and the Native American Journalists Association, the Spanish Media Corporation, the National Lawyers Guild, the National Council of Churches).

IV. COMMENTS ON COMPETITION ARE INACCURATE AND CAN BE SOLVED

The NAB's findings regarding the 1996 Telecommunications Act and competition are in serious conflict with other findings. The NAB, in its comments to the Commission on LPFM, argues that its study "Independent Radio Voices in Radio Markets" shows that a large percentage of stations are standalone stations, not owned in combination with any other local station. In the NAB's comments to the Commission they report that 28.8% of all commercial radio stations are

standalone stations. This means that nearly 70% of radio stations in America are owned in conjunction with other stations or media interests. The Alliance argues that 30% cannot be construed as "a large percentage" as offered by the NAB. Furthermore BIA Research recently found that radio's top 25 companies own 19.26% of all of America's radio stations as reported in *Broadcasting & Cable* magazine for August 30, 1999. In addition, BIA found that these results were up somewhat from last year's figure of 18.68%, thus contradicting NAB's claims that consolidation has not affected the radio market. NAB argues that consolidation has not affected the radio industry to the degree that the Commission cites in its Notice for this proceeding. The Alliance challenges this assumption and believes that NAB's comments refuting concerns regarding consolidation in the radio industry actually serve to highlight the need for creating LPFM.

Other commercial interests, from multiple license holding corporations to standalone independent operations, argue that LPFM will significantly reduce advertising revenue for full-power stations because LPFM's will have to compete with a small market of potential advertisers which will reduce the available pool of resources. These arguments support our position for the creation of LPFM as non-commercial stations. In our comments of August 2, 1999 to the Commission, the Alliance outlined a model of LPFM stations which would be similar to the establishment of to public, educational and governmental (PEG) access channels. If LPFM is established with preference given to the PEG access model many of the commercial commenters' complaints regarding LPFM can be dismissed, as well as the complaints of CPB and NPR.

Commercial commenters argue that commercial LPFM will decrease listenership, affect advertising revenues and potentially create small stations without a staff able to monitor technical needs of the station. The alleged financial burdens that LPFM could face are negligible in this case. PEG access centers are already positioned to assist in the implementation for the growth of LPFM stations within the framework of their current structure through a variety of methods. Most PEG access centers have a 100+ base of technically trained volunteers that would aid users of LPFM in the technical production of their programming. The staff of these centers are well versed in new technologies and would make equipment purchases that are both user friendly as well as fiscally sound. PEG access centers generally are centrally located for all community members. PEG access centers can provide space for equipment to operate a LPFM station. Since these centers currently provide either free or low cost production time to their community, the next step of offering LPFM service to new content providers is a natural transition. Many PEG centers already operate their own "cable radio" programming or have formed partnerships with their community radio stations.

The access model, with staff to train community members in the technical aspects of radio production will eliminate many of the concerns raised by NPR regarding inexperienced operators and their inability to prevent interference. An access model of non-commercial programming, where support is raised from the community through memberships, as well as underwriting from community groups and partnerships, will alleviate concerns over LPFM reducing the advertising revenue of commercial stations. LPFM established as a non-commercial community shared radio station will be an entity very different from commercial radio stations and will not compete with

commercial radio stations.

V. THE INTERNET CANNOT SERVE THE COMMUNITIES THAT LPFM CAN

The recent National Telecommunications and Information Administration (NTIA) report, "Falling Through the Net II," continues to underscore the disparity in the digital divide and information technology gap in the United States. The NTIA report specifically states that "despite the significant growth in computer ownership and usage overall, the growth has occurred to a greater extent within some income levels, demographic groups, and geographic areas, than in others. In fact, the "digital divide" between certain groups of Americans has increased between 1994 and 1997 so that there is now an even greater disparity in penetration levels among some groups. There is a widening gap, for example, between those at upper and lower income levels. Additionally, even though all racial groups now own more computers than they did in 1994, Blacks and Hispanics now lag even further behind Whites in their levels of PC-ownership and on-line access."

It is the very groups mentioned in the NTIA report who do not own computers or have Internet access who may be best served by the LPFM system. The Internet will continue to be a point-to-point communication until the entire population is equipped with a computer, a modem and a ISP. There is no mechanism in place on the Internet for large sections of local community's communication in a common arena. LPFM allows the opportunity for local constituents to reach a mass audience within their local communities. CPB and NPR may speak to certain types of audiences, but they are far from adequate in serving the local needs of the disenfranchised.

VI. DIVERSITY IN STATION OWNERSHIP

The Alliance for Community Media supports an LPFM proposal which would offer specific means of encouraging diversity in new ownership and deciding mutually exclusive applications by auction or lottery (non-commercial). The Alliance did, in its initial comments, offer specific and detailed approaches to dealing with these issues (as did Media Access Project, Prometheus Radio and the Spanish Media Corporation). We urge the Commission to study these examples and use them in their decision making process.

VII. CONCLUSION

The Alliance for Community Media applauds the work of the Corporation for Public Broadcasting, National Public Radio and the National Association of Broadcasters in the creation of quality programming and quality radio service. However, we find that CPB, NPR and NAB in their comments to the Commission on LPFM fail to address the widespread demand for LPFM and fail to understand the need for locally produced programming. We urge the Commission to adopt the Alliance's recommendation in our August 2, 1999 comments and to create LPFM service with preference for non-commercial, community based radio stations.

Respectfully Submitted



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